



Illinois Department of Natural Resources

One Natural Resources Way Springfield, Illinois 62702-1271
<http://dnr.state.il.us>

OCT 28 2011

Pat Quinn, Governor

Marc Miller, Acting Director

October 21, 2011

Ms. Cynthia T. Brown
Chief, Section of Administration
Surface Transportation Board
395 E Street, S.W., Room #100
Washington, DC 20423-0001

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RE: STB Docket No. AB-33 (Sub-No. 262X) – Union Pacific Railroad
Company – Abandonment and Discontinuance of the Elm Industrial Lead
in Fulton and Peoria Counties, Illinois

Dear Ms. Brown:

On July 21, 2008, the Illinois Department of Natural Resources filed a request for Public Use Condition and a request for Interim Trail Use Condition (NITU) for approximately 24.7 miles of railroad between milepost 461.5 near Middle Grove and milepost 486.2 at Molitor Junction, in Fulton and Peoria Counties. By order dated November 13, 2008, the Board granted the request to implement interim trail use and to permit public use negotiations as specifically set forth in the order, for a period of 180 days commencing from November 13, 2008, and ending on May 12, 2009. On May 9, 2009, the Department filed a request for a 180 day extension, and by order dated May 11, 2009, was so granted, extending the negotiating period from May 12, 2009 to November 8, 2009. On November 2, 2009, The Department filed a request for an additional 180 day extension, and by order dated November 24, 2009, was so granted, thus extending the negotiating period from November 8, 2009 to May 10, 2010. The Department filed a request for an additional 180 day extension, and by order dated May 17, 2010, was so granted, thus extending the negotiating period from May 10, 2010 to November 12, 2010. The Department filed a request for an additional 180 day extension, and by late order dated December 14, 2010, was so granted, thus extending the negotiating period from November 12, 2010 until May 13, 2011. The Department filed a request for an additional 180 day extension, and by late order dated June 17, 2011, was so granted, thus extending the negotiating period from May 13, 2011 until November 13, 2011.

The Department has completed work with local partner jurisdictions in efforts to satisfy our negotiating needs, and has been in direct contact with Union Pacific to resolve other negotiation issues; however, we do not believe that the parties will be able to finalize efforts by the end date of the order. Therefore, the Department respectfully requests the Board grant a 180 day extension until May 11, 2012, or such time so indicated by the Board.



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Enclosed please find the original and ten (10) copies of this letter. Also, it is my understanding that the filing fee of \$450.00 is waived for State Agencies requesting extension of NITU negotiations as to STB Docket No. AB-33 (Sub-No. 262X) Union Pacific Railroad Company. Please time and date stamp a copy of this letter and return it with the self-addressed stamped envelope.

We are also sending a copy to Union Pacific Railroad Company, by U.S. Mail, postage prepaid, first class, on this 21st day of October, 2011.

Thank you for your consideration of this request, and please contact me should you have and questions or concerns.

Very Truly Yours,



Mitchell L. Cohen
General Counsel

MC:JB:bjf
enclosures

cc: Mack Shumate, Sr., Union Pacific Railroad
Jim Harrell, Union Pacific Railroad
Dick Westfall, IDNR
George Bellovics, IDNR